

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

OKI AMERICA, INC., ET AL.,

PLAINTIFF,

VS.

ADVANCED MICRO DEVICES, INC.,

DEFENDANT.

C04-03171-CRB

**STIPULATION TO ENLARGE
BRIEFING SCHEDULE**

ADVANCED MICRO DEVICES, INC.,

COUNTERCLAIMANT,

VS.

**OKI AMERICA, INC., OKI ELECTRIC
INDUSTRY CO., LTD., OKI DATA
CORPORATION AND OKI DATA AMERICAS,
INC.,**

COUNTER-DEFENDANTS.

On September 14, 2006, Oki filed its Motion to Strike Smith Report and Portions of Neikirk Report Under *Daubert* and its Motion to Grant Partial Summary Judgment of Non-Infringement of the '678 Patent Based on (1) Lack of Photoresist on Back of Wafer and (2) Striking Expert Report Under *Daubert*. In support of both motions, Oki also filed the Declaration of Dr. Richard B. Fair.

The deadline for AMD to file its opposition to both motions is October 5, 2006. AMD's expert, Dr. Bruce Smith, has been and is currently in Japan on an unrelated matter. Due to travel, complications with internet access, time differences, etc. Dr. Smith will not be able to coordinate filing a declaration in rebuttal to Dr. Fair's by the current deadline. AMD is seeking (with stipulation by Oki) a one-week extension of time for the remaining briefing on these two motions so that Dr. Smith may file a rebuttal declaration. As the

hearing on these motions is currently set for November 3, 2006, such an extension should not affect the hearing date.

IT IS HEREBY STIPULATED AND AGREED by and between all parties that, subject to approval by this Court, the time for filing and serving oppositions and replies to Oki's Motion to Strike Smith Report and Portions of Neikirk Report Under *Daubert* and Motion to Grant Partial Summary Judgment of Non-Infringement of the '678 Patent Based on (1) Lack of Photoresist on Back of Wafer and (2) Striking Expert Report Under *Daubert* is changed as follows:

- (1) AMD's oppositions to the above motions must be filed and served on or before October 12, 2006; and
- (2) Oki's replies to the above motions must be filed and served on or before October 26, 2006.

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

Dated: October 4, 2006

VINSON & ELKINS, LLP

/s/ Adam V. Floyd

Adam V. Floyd

Attorney for Advanced Micro Devices, Inc.

KELLOGG, HUBER, HANSEN, TODD & EVANS, PLLC

/s/ J. C. Rozendaal

J.C. Rozendaal

Attorney for Oki America, et al.

IT IS SO ORDERED.

Dated: October 6, 2006

Charles R. Breyer
United States

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STIPULATION TO ENLARGE BRIEFING SCHEDULE

